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9 Attorneys for Defendant
10 APPLERA CORPORATION

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 MEGAN KELLY,

15 Plaintiff,

16 v.

17 APPLERA CORPORATION,

18 Defendant.

Case No. C-07-3002 MMC (EMC)

**STIPULATION REGARDING MEET AND
CONFERENCE ON MARCH 20, 2008 RE
DEFENDANT'S MOTION TO COMPEL
DEPOSITION OF MAUREEN MCFADDEN**

Date: March 20, 2008
Time: 1:30 p.m.
Courtroom: A, 15th Floor
Judge: Hon. Joseph A. Spero

19 The Court previously ordered lead counsel for the parties to this action to "meet and
20 confer" in person at the Court for the purpose of attempting to resolve the issues raised by Defendant
21 Applera Corporation's motion to compel the deposition of Plaintiff Megan Kelly's attorney,
22 Maureen McFadden. The parties' lead counsel, Maureen McFadden and Tyler M. Paetkau, met and
23 conferred in person on March 20, 2008 at the Court, and following that session reached and reported
24 to the Court (Hon. Joseph A. Spero) the following Stipulation:

25 1. Plaintiff's pending Complaint against Defendant is deemed to allege a failure
26 by Defendant to engage in the interactive process with Plaintiff only prior to Plaintiff's counsel's
27
28

involvement on or about December 22, 2006, and not thereafter;

2. In the event that the Court grants Plaintiff's pending motion to amend her Complaint on April 4, 2008, Plaintiff's counsel, Maureen McFadden, will submit a verified statement regarding all non-privileged communications she had with Defendant Applera Corporation and its agents and employees from 2006 through the end of 2007 pertaining to the interactive process or Megan Kelly's work restrictions; and

3. Defendant Applera Corporation expressly reserves its right to move to compel the deposition of Maureen McFadden after reviewing her verified statement, and the parties expressly reserve all of their respective rights, objections and remedies with respect to Defendant's previously-filed motion to compel the deposition of Ms. McFadden.

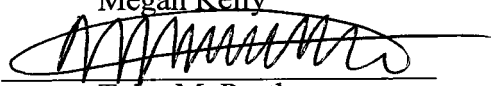
SO STIPULATED.

Dated: March __, 2008

Please see attached

Maureen McFadden
Law Offices Of Maureen E. McFadden
Attorney for Plaintiff
Megan Kelly

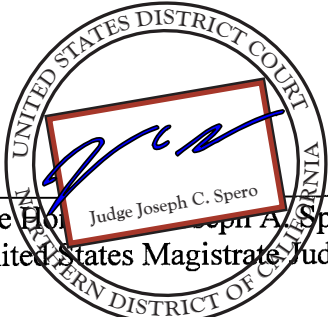
Dated: March 28, 2008


Tyler M. Paetkau
Michael Pedhirney
Littler Mendelson, P.C.
Attorneys for Defendant
Applera Corporation

Based on the foregoing Stipulation by the parties to this action, and for good cause shown, the Court hereby adopts the parties' Stipulation as its Order.

IT IS SO ORDERED.

Dated: April 1, 2008


The Hon. Joseph A. Spero
United States Magistrate Judge

2.

STIPULATION REGARDING MEET AND CONFER ON MARCH 20, 2008 RE DEFENDANT'S MOTION TO COMPEL DEPOSITION OF MAUREEN MCFADDEN

Chatham, Annette

From: maureen@mcfaddenlaw.net
Sent: Saturday, March 29, 2008 12:34 PM
To: Paetkau, Tyler M.
Subject: RE: Kelly v. Applera - draft Stip following meet and confer on 3/20/08

I agree to this revised version.

----- Original Message -----

From: "Paetkau, Tyler M."
To: maureen@mcfaddenlaw.net
Subject: RE: Kelly v. Applera - draft Stip following meet and confer on 3/20/08
Date: Fri, 28 Mar 2008 13:27:30 -0700

Maureen,

I've added this language and the revised Stipulation is attached. Please PDF or fax your signature page and we can take care of the e-filing.

Thanks, Tyler

From: maureen@mcfaddenlaw.net [mailto:maureen@mcfaddenlaw.net]
Sent: Friday, March 28, 2008 11:36 AM
To: Paetkau, Tyler M.
Subject: Re: Kelly v. Applera - draft Stip following meet and confer on 3/20/08

Tyler - can you please add to para 2, at end "pertaining to the interactive process or Megan Kelly's work restrictions."

----- Original Message -----

From: "Paetkau, Tyler M."
To: maureen@mcfaddenlaw.net
Subject: Kelly v. Applera - draft Stip following meet and confer on 3/20/08
Date: Tue, 25 Mar 2008 07:10:02 -0700

Maureen,

Attached for your review and edit is the draft Stipulation. Please let me or Mike Pedhirney know if you have any requested edits, or if you would like to discuss further.

Thank you for your cooperation.

Regards, Tyler

Tyler Paetkau | Littler Mendelson, P.C.
The National Employment & Labor Law Firm®

3/31/2008

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<< Stipulation Regarding Meet & Confer on March 20, 2008.doc >>

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